

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

v.

No. CIV 88-385 KG/CG
Consolidated with
No. CIV 88-786 KG/CG

DAVID R. SCRASE, Secretary of the
New Mexico Human Services Department,

Defendant.

ORDER DENYING MOTIONS WITHOUT PREJUDICE

Upon reviewing the docket sheet in this case, the Court notes that the following motions are either pending or stayed: (1) “Plaintiffs’ Amended Motion to Enforce Compliance with the Consent Decree and Orders of this Court and Request for Relief” (Amended Motion to Enforce) (Doc. 926), filed February 3, 2020; (2) “Defendant’s Motion to Strike Plaintiff’s Amended Motion to Enforce (Doc. 926) and Plaintiffs’ Amended Response to Defendant’s Motion (Doc. 927),” (Doc. 930)¹, filed February 19, 2020; (3) “Defendant’s Motion Seeking Termination of Consent Decree and Memorandum in Support” (Doc. 965), filed August 17, 2020; and (4) “Defendant’s Expedited Motion for Stay of Proceedings Pending a Decision on Motion to Terminate Consent Decree” (Doc. 966), filed August 17, 2020.²


¹ The Court partially ruled on this motion and held in abeyance that part of the motion related to striking Plaintiffs’ Amended Motion to Enforce (Doc. 926) until such time as the Court holds a hearing on Plaintiffs’ Amended Motion to Enforce (Doc. 926). *See* (Doc. 953), filed April 24, 2020.

² On August 21, 2020, the Court stayed both “Defendant’s Motion Seeking Termination of Consent Decree and Memorandum in Support” (Doc. 965) and “Defendant’s Expedited Motion for Stay of Proceedings Pending a Decision on Motion to Terminate Consent Decree” (Doc. 966) until further order of the Court due to the upcoming case file review. *See* (Doc. 967).

The parties have engaged in a case file review since they filed these motions and, on June 11, 2021, the Special Master and Compliance Specialist filed their “Amended Special Master & Compliance Specialist 2021 Case Review Report” (Report) (Doc. 991). The parties have an opportunity to file objections to the Report or to file motions to adopt or modify the Report. *See* (Doc. 989). Given that the case has moved forward despite the pendency of these motions, the Court determines that in the interest of managing its docket it will deny these motions, to the extent the Court has not ruled on them, without prejudice to the parties filing updated motions.

IT IS ORDERED that to the extent the Court has not ruled on the following motions, they are denied without prejudice to refileing updated motions:

1. “Plaintiffs’ Amended Motion to Enforce Compliance with the Consent Decree and Orders of this Court and Request for Relief” (Doc. 926), filed February 3, 2020;
2. “Defendant’s Motion to Strike Plaintiffs’ Amended Motion to Enforce (Doc. 926) and Plaintiffs’ Amended Response to Defendant’s Motion (Doc. 927),” (Doc. 930), filed February 19, 2020;
3. “Defendant’s Motion Seeking Termination of Consent Decree and Memorandum in Support” (Doc. 965), filed August 17, 2020; and
4. “Defendant’s Expedited Motion for Stay of Proceedings Pending a Decision on Motion to Terminate Consent Decree” (Doc. 966), filed August 17, 2020.



UNITED STATES DISTRICT JUDGE